

CALIFORNIA STATE PERSONNEL BOARD MEETING
Ramada Limited Old Town
3900 Old Town Avenue
San Diego, California 92110
(619) 299-7400 - FAX (619) 299-1580

Public Session Location - Mission Room
Closed Session Location - Mission Room

TWO-DAY BOARD MEETING - September 11-12, 2002

FULL BOARD MEETING MINUTES**

September 11, 2002

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Florence Bos, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The recently enacted 2002-2003 fiscal year state budget contains general fund reductions to the State Personnel Board budget as anticipated. State Personnel Board staff is working on the development of recommendations for further general fund budget reductions for the 2003-2004 fiscal year.

** The State Personnel Board Summary Minutes can be obtained at the following Internet address:
<http://www.spb.ca.gov/spbmeet/spbminrd.cfm>

- B. State Personnel Board staff attended the National Association of State Personnel Executive's meeting last month where the human resources impact of the current nationwide economic problem and the impact of the retirement of baby boomers were major topics. The Association also recognized Louisiana, Colorado and Kansas for significant program innovations and accomplishments.
- C. Senator Polanco has requested State Personnel Board's participation in a meeting to discuss staffing issues in the Department of Corrections.
- D. Laura Aguilera provided an overview of the State of California's human resources program to representatives of the Republic of China.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation:

- A. International Union of Operating Engineers (IUOE) v. State Personnel Board (SPB)/Public Employees Relations Board (PERB) - Court has stayed the hearing on SPB's Motion to Dismiss that was set for the end of October 2002, so that PERB can rule on SPB's Motion for Reconsideration and Request for Stay.
- B. SPB v. Department of Personnel Administration (DPA)/IUOE, California State Employees Association (CSEA) - Judge Ohanesian denied IUOE's request for stay of the superior court judgment pending the decision by PERB.
- C. SPB v. DPA/CSEA - Judgment has been entered and a writ has been issued ordering DPA and CSEA "to cease and desist and refrain from implementing or enforcing..." the "Post and Bid" provisions of the Bargaining Units 1, 4, and 11 Memoranda of Understanding.
- D. Connerly v. SPB - Connerly's Motion for Attorney's fees was heard September 6, 2002. Court has asked for further briefing.
- E. County of Merced v. SPB/Gabriault - County has requested that the Court of Appeal grant a motion to dismiss the appeal. The parties have settled the matter.

- F. Godfrey v. SPB/California Youth Authority - Court issued judgment ordering SPB to set aside decision sustaining the dismissal and to re-open the case for purpose of affording petitioner the opportunity to present new evidence.

Other

- A. Council of Counsels - The next meeting is scheduled for September 26, 2002, at the State Personnel Board, 801 Capitol Mall, Sacramento, CA, 95814, Room 312 at 1:00 p.m.
- B. State Employee Mediation Program - Six marketing sessions in the last six weeks have been conducted with six different departments.
- C. Association of Conflict Resolution Conference - State Personnel Board's Chief Counsel and Mediation Program Manager attended this conference for information on workplace mediation programs throughout the nation and world.
- D. State Personnel Board staff counsel Bruce Monfross has transferred to the Office of the Inspector General. Staff Counsel Elizabeth Stein will provide workload relief pending the probable refilling of that position.
4. REPORT ON LEGISLATION - Judy Balmain
- No report was presented.
5. ORAL ARGUMENT
- Oral argument in the matter of DANIEL ESQUIVEL, CASE NO 01-2866. Appeal from dismissal. Department of Corrections.
- Persons Participating:
- Steve Jennings, Attorney at Law, representing Department of Corrections
- Michale D. Lackie, Attorney at Law, representing appellant
- ACTION: Submitted

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6. HEARING - Prison Industry Authority (PIA) Demonstration Project

The proposed demonstration project will enable PIA to conduct position-specific examinations for certain managerial classifications identified as M12 and supervising classifications identified as S12 thereby improving efficiency and effectiveness of the recruitment, examination and selection processes.

Persons Participating:

Carole Ong, Manager, Policy Development, California State Personnel Board

Karen Barr, Assistant Chief, Human Resources, Prison Industry Authority

ACTION: Adopted on September 11, 2002.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

BOARD ACTIONS

7. STATE PERSONNEL BOARD SUMMARY MINUTES OF AUGUST 6, 2002

ACTION: Adopted on September 11, 2002.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

8. ACTION ON SUBMITTED ITEMS

ACTION: See pages 20-22.

9. ADMINISTRATIVE LAW JUDGE CASES

On September 11, 2002, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

CHIEF COUNSEL RESOLUTIONS

SORAYA AFSAR, CASE NO. 01-2837P

Appeal from dismissal

Medical Record Director

Department of Veterans Affairs

ACTION: The State Personnel Board issued a resolution denying appellant's request for an order to show cause, without prejudice to appellant's right to seek a judicial remedy

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SHANE UNDERWOOD, CASE NO. 01-0980

Appeal from suspension

Correctional Officer

Department of Corrections

ACTION: The State Personnel Board issued a resolution denying appellant's request for an order to show cause, without prejudice to appellant's right to seek a judicial remedy

JAY JACKSON, CASE NO. 02-1298

Appeal from rejection during probationary period

Transportation Engineer (Civil)

Department of Transportation

ACTION: The State Personnel Board approved the parties' stipulated settlement

PROPOSED DECISIONS

PATRICK M. BARBER, CASE NO. 00-3940B

For determination of back salary,
benefits, and interest after five
working days suspension

Youth Correctional Counselor

Chino - Youth Correctional Facility

Department of the Youth Authority

ACTION: Salary, benefits and interest awarded

LYNN CAREW, CASE NO. 02-0882

Appeal from termination from the position
of Chief Administrative Law Judge

Career Executive Assignment

Public Utilities Commission

ACTION: The State Personnel Board sustained the termination of appellant's CEA effective April 10, 2002, and awarded backpay, benefits and interest.

BRENDA CHAMBERS, CASE NO. 00-0300

Appeal of gender discrimination

Correctional Lieutenant

Norco - California Rehabilitation Center

Department of Corrections

ACTION: Gender discrimination appeal dismissed

MICHAEL CONDE, CASE NO. 02-0738

Appeal from official reprimand

Correctional Officer

Imperial - State Prison

Department of Corrections

ACTION: Official reprimand revoked

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ELAINE DELGADO, CASE NO. 02-0763
Appeal from suspension for fifteen workdays
Communications Operator
Department of California Highway Patrol
ACTION: Fifteen workdays suspension modified to five
workdays suspension

KYLE M. ICKE, CASE NO. 02-1432
Appeal from rejection during
probationary period
State Park Ranger Cadet
Department of Parks and Recreation
ACTION: Rejection during probationary period

DAVID M. LANDRY, CASE NO. 02-1416
Appeal from ten percent reduction
in salary for six pay periods
Youth Correctional Counselor
Chino - Youth Correctional Facility
Department of the Youth Authority
ACTION: Ten percent reduction in salary for six periods
revoked

KENNETH LICHTENBERG, CASE NO. 01-2524
Appeal from dismissal
Equipment Technician II
California State University
ACTION: Dismissal sustained

LINDA J. BRAGG, CASE NO. 01-2124
Appeal from one working day suspension
Fraud Investigator
Department of Insurance
ACTION: One working day suspension sustained

LORAIN GOODWIN, CASE NO. 02-1687
Appeal from dismissal
Physician and Surgeon (Correctional Facility)
Chowchilla - California Womens' Facility
Department of Corrections
ACTION: Dismissal modified to a six work days suspension

KIMBERLY FORRER, CASE NO. 02-1565
Appeal from official reprimand
Correctional Officer
Pleasant Valley - State Prison
Department of Corrections
ACTION: Official reprimand sustained

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HELEN JOHN-LEWIS, CASE NO. 02-0078

Appeal from official reprimand

Correctional Officer

Imperial - State Prison

Department of Corrections

ACTION: The State Personnel Board revoked the official reprimand

JORGE VELAZQUEZ, CASE NO. 02-0646

Appeal from one-step reduction in

salary for one year

Correctional Officer

Norco - California Rehabilitation Center,

Department of Corrections

ACTION: The State Personnel Board modified the one-step reduction in salary for one year to a one-step reduction in salary for 2 months and awarded backpay, benefits and interest

CONNIE WEGMAN, CASE NO. 02-1055

Appeal from dismissal

Office Assistant

Wasco - State Prison

Department of Corrections

ACTION: Dismissal sustained

DAVID CASTRO, CASE NO. 02-1395

Appeal from ten percent reduction

in salary for 12 months

Janitor

Department of General Services

ACTION: Ten percent reduction in salary for 12 months sustained

DANIEL FRAZER, CASE NO. 02-0662

Appeal from dismissal

Correctional Officer

Tehachapi - California Correctional Institution

Department of Corrections

ACTION: Dismissal revoked

ANTHONY GREGORY, CASE NO. 02-0115

Appeal from 15 days' suspension

Correctional Officer

Ione - State Prison

Department of Corrections

ACTION: The State Personnel Board modified 15 days' suspension to a written reprimand and awarded backpay, benefits and interest

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WALTER JOHNSON, CASE NO. 02-0543

Appeal from dismissal

Psychiatric Technician

Lanternman Developmental Center

Department of Developmental Services

ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

DANIEL T. BUTLER, CASE NO. 02-0764

Appeal from dismissal

Peace Officer I

Costa Mesa - Developmental Center

Department of Developmental Services

ACTION: Dismissal revoked

VALENCIA ADAIR, CASE NO. 01-2683

Appeal from ten percent reduction

in salary for 12 months

Psychiatric Technician

Patton - State Hospital

Department of Mental Health

ACTION: Ten percent reduction in salary for 12 months
modified to five percent reduction in salary for three
months

HENRY AHLER, CASE NO. 02-0164

Appeal from rejection during probationary period

Administrative Law Judge II (Specialist)

Office of Administrative Hearings

Department of General Services

ACTION: Rejection during probationary period sustained

ELWOOD EVANS, CASE NO. 02-1397

Appeal from separation pursuant to

Government Code section 19585

Automobile Mechanic

Department of Parks and Recreation

ACTION: Separation pursuant to Government Code 19585
sustained

ROY E. STONE, CASE NO. 01-2090E

Appeal to request to file charges

by the Department of Industrial Relations

Personnel Services Specialist I

Department of Transportation

ACTION: Request to file charges denied

CRAIG SWAN, CASE NO. 01-4208

Appeal from rejection during

probationary period

Correctional Counselor I
Corcoran - State Prison
Department of Corrections

ACTION: Rejection during probationary period sustained

VALERIE VALVERDE, CASE NO. 02-0120

Appeal from demotion
Student Services Professional III
to the position of Student
Services Professional II
California State University

ACTION: Demotion sustained

LINDA WILLIAMS, CASE NO. 01-2936

Appeal from medical termination
Office Technician (Typing)
Department of Social Services

ACTION: Medical termination revoked

LEONARD M. GRILL, CASE NO. 02-1166

Appeal from ten percent reduction
in salary for nine pay periods
Fire Captain

Department of Forestry and Fire Protection

ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

SUBMITTED PROPOSED DECISION

BENJAMIN HILER, CASE NO. 02-1233

Appeal from dismissal
Correctional Officer
Corcoran - State Prison
Department of Corrections

ACTION: Dismissal sustained

PETITIONS FOR REHEARING

TINA BURNETT, CASE NO. 02-0840P

Appeal from rejections during
probationary period
Motor Vehicle Field Representative
Department of Motor Vehicle

ACTION: Petition for rehearing filed by appellant denied

CALLIOUS KETCHUM, CASE NO. 02-0116P

Appeal from dismissal
Senior Legal Typist
Department of Health Services

ACTION: Petition for rehearing filed by respondent denied

TIMOTHY SUTHERLAND, CASE NO. 01-3777P
Appeal from six-month suspension
Youth Correctional Counselor
El Paso de Robles - Youth Correctional Facility
Department of the California
ACTION: Petition for rehearing filed by appellant granted

SHERI WILLIAMS, CASE NO. 01-4085P
Appeal from rejection during probationary
period
Tax Auditor, Range A
Board of Equalization
ACTION: Petition for rehearing filed by appellant denied

TENNILLE J. HABERMAN, CASE NO. 00-3990P
Appeal from rejection during probationary period
Correctional Officer (Cadet)
Department of Corrections
ACTION: Petition for rehearing filed by appellant denied

10. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: See pages 23-25.

11. WITHHOLD APPEALS
On September 11, 2002, the Board adopted the following
decisions presented by Laura Aguilera, Assistant Executive
Officer, California State Personnel Board.
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

VICTOR ACOSTA, CASE NO. 01-4258
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ERIC ARAGON, CASE NO. 01-2593
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

BEATRICE BASTARDO, CASE NO. 01-3536
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

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BRIAN BEEBE, CASE NO. 01-3046
Classification: Transportation Planner
Department of Transportation
ACTION: DENIED

CINDRA BELLIN, CASE NO. 01-3312
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JANET CASNER, CASE NO. 01-3387
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

VIRGINA CASTELLANOS, CASE NO. 01-2560
Classification: Associate Caltrans Administrator
Department of Transportation
ACTION: GRANTED

ANGELICA CHAVIRA, CASE NO. 01-3308
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ROSA CISNEROS, CASE NO. 01-3407
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

RONALD CUMMINGS, CASE NO's. 01-2992 &
01-2993
Classification: Investigator I, ABC
& Investigator Trainee, ABC
Alcohol Beverage Control
ACTION: GRANTED

LEONARD DURAN, CASE NO. 01-2821
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

LESLIE ESPARZA, CASE NO. 01-2690
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ARMANDO FLORES, CASE NO. 01-3379
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

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JUAN FLORES, CASE NO. 01-2471
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

KRISTINA GREEN, CASE NO. 01-3446
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

VICTOR GUZMAN, CASE NO. 01-2681
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

WESLEY HALL, CASE NO. 01-2003
Classification: Youth Correctional Counselor
California Youth Authority
ACTION: DENIED

LAURANCE HILLS, CASE NO. 01-1565
Classification: Hospital Police Officer
Department of Mental Health
ACTION: DENIED

CHIH-HSING (Emily) HUANG, CASE NO's 01-2246 & 01-2247
Classification: Associate Information Systems Analyst &
Associate Programmer Analyst
Employment Development Department
ACTION: DENIED

HARRY JACKSON, CASE NO. 01-2676
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

ANJUM KEVAL, CASE NO. 01-2865
Classification: Associate Information Systems Analyst
(Specialist)
Department of General Services
ACTION: DENIED

ROGER KIRBY, CASE NO. 01-3226
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

RORY LINN, CASE NO. 01-3342
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

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CRAIG LUKER, CASE NO. 01-3225
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

JOSE OBAR, CASE NO. 01-0302
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ROBERT OWENS, CASE NO. 01-3250
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JAMES PAYNE, CASE NO. 01-3498
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

STEPHAN RICHARDSON, CASE NO. 01-3236
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JUDITH RIVERA, CASE NO. 01-3487
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ERIC ROMERO, CASE NO. 01-3978
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ISAAC ROMERO, CASE NO. 01-3249
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

EUGENE RUIZ, CASE NO. 01-3100
Classification: Hospital Police Officer
Department of Mental Health
ACTION: DENIED

ALBERT SAN DIEGO, CASE NO. 01-3268
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

STEVEN WEBB JR., CASE NO. 01-2491
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

KEYSHA WILCOX, CASE NO. 01-3458
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

RITA WOODS, CASE NO. 01-3267
Classification: Hospital Police Officer
Department of Mental Health
ACTION: DENIED

KRISTOFER YEARY, CASE NO. 01-3881
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

12. MEDICAL APPEALS

On September 11, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

MARK ADOLPHSON, CASE NO. 02-1867
Classification: Cadet, CHP
California Highway Patrol
ACTION: GRANTED

BOBBY AGUIRRE, CASE NO. 02-2221
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

MARCO ALVAREZ, CASE NO. 02-1868
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

HOLLY BOWERS, CASE NO. 02-2094
Classification: Treatment Team Supervisor
California Youth Authority
ACTION: GRANTED

FRANCES FLORES, CASE NO. 02-1204
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

SHEILAGH FULTON, CASE NO. 02-2220

Classification: Cadet, CHP

California Highway Patrol

ACTION: GRANTED

TERRILL GRANT, CASE NO. 02-1274

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

CHARLES GREEN, CASE NO. 02-2011

Classification: Youth Correctional Officer

California Youth Authority

ACTION: GRANTED

BRENT MALATESTA, CASE NO. 01-3366

Classification: Cadet, CHP

California Highway Patrol

ACTION: DENIED

JULIE TODD, CASE NO. 02-0595

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

TIFFANY YORK, CASE NO. 01-3200

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

13. MERIT ISSUE COMPLAINTS

On September 11, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

(Merit Issue Complaint)

JAMES ESCOBAR, CASE NO. 01-2686

Classification: Parole Agent I,

Adult Parole

Department of Corrections

ACTION: DISMISSED WITH PREJUDICE

14. REQUEST TO FILE CHARGES CASES

PETITIONS FOR REHEARING CASES

On September 11, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

(Request to File Charges)

BONNIE GARIBAY, CASE NO. 01-2854
Classification: Retired employee of the
Department of Corrections
ACTION: DENIED

DAVID KULLING, CASE NO. 01-2732
Classification: A member of the general public
ACTION: DENIED

DANNY MILLIGAN, CASE NO. 00-3094
Classification: Former limited-term employee
Forestry and Fire Protection
ACTION: DENIED

AARON NICHOLSON, CASE NO. 01-3932
Classification: Employee with the
Department of Transportation
ACTION: DENIED

(Petition for Rehearing)

MARGARET TEAGUE, CASE NO. 01-2383p
Classification: Staff Counsel
Department of Corrections
ACTION: DENIED

15. NON-HEARING CALENDAR

On September 11, 2002, the Board adopted items A-B. These items were presented by Karen Coffee, Chief, Merit Employment and Technical Resources.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

A. FRAUD INVESTIGATOR, DEPARTMENT OF INSURANCE (DOI)
SUPERVISING FRAUD INVESTIGATOR, DOI
SUPERVISING FRAUD INVESTIGATOR II, DOI
The Department of Insurance proposes specification revisions to the classes of Fraud Investigator, Department of Insurance (DOI, Supervising Fraud Investigator I, DOI and Supervising Fraud Investigator II, DOI appearing in the Fraud Investigator, DOI series specification.

B. ABOLISHMENT OF VACANT CIVIL SERVICE CLASSES
The Department of Personnel Administration and applicable departments are proposing to abolish certain vacant civil service classes the future use of which is not anticipated.

16. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

- (1) PRINCIPAL DEPUTY LEGISLATIVE COUNSEL II
The Legislative Counsel Bureau proposes to allocate the above position to the CEA category. The Principal Deputy Legislative Counsel II will manage one of four legal divisions within the Legislative Counsel Bureau providing professional legal services to members of the California Legislature. The department indicates that the position is at the third organizational level and reports to the Chief Deputy Legislative Counsel.
- (2) CHIEF, LOS ANGELES CITY JOB SERVICE DIVISION
CHIEF, LOS ANGELES COUNTY JOB SERVICE DIVISION
The Employment Development Department proposes to allocate the first position to the CEA category and retitle the latter CEA position. The Chief, Los Angeles City Job Service Division will be responsible for the delivery of employment security services to eligible individuals through approximately 32 service delivery locations in the City of Los Angeles. The department indicates that the position is at the third organizational level and reports to Deputy Director, Job Services Branch.
- (3) DIRECTOR, PERSONNEL SERVICES DIVISION
The Department of Education proposes to allocate the above position to the CEA category. The Director, Personnel Services Division is responsible for the management of the total personnel services program for the department, which includes classification and pay, employee discipline, training, health and safety, technical personnel services, labor relations and selection services. The department indicates that the position is at the third organizational level and reports to the Deputy Superintendent.
- (4) MANAGER, SECURE TREATMENT PROGRAMS, REGIONAL RESOURCE DEVELOPMENT PROJECTS AND EDUCATION BRANCH
The Department of Developmental Services proposes to allocate the above position to the CEA category. The Manager, Secure Treatment Programs will be responsible for the management and coordination of Regional Resource Development Projects, developmental center secure treatment

programs, and developmental center/state hospital education programs. The department indicates that the position is at the third organizational level and reports to the Chief, Developmental Centers Division.

(5) DEPUTY DIVISION DIRECTOR, OFFICE OF RATEPAYER ADVOCATES

The Public Utilities Commission proposes to allocate the above position to the CEA category. The Deputy Division Director, Office of Ratepayer Advocates will be responsible for representing the interests of public utility consumers and subscribers in Commission proceedings, which includes independently reviewing utility filings, developing an independent advocacy position from a consumer perspective and advocating its positions before the Commission. The department indicates that the position will be at the third organizational level and reports to the Division Director.

(6) CHIEF INFORMATION SECURITY OFFICER

The Legislative Counsel Bureau's Legislative Data Center proposes to allocate the above position to the CEA category. The Chief Information Security Officer will be responsible for ensuring all facets of the Legislative Data Center's information security program and operational recovery planning meet the requirements of the Legislature and its support agencies, which includes maintaining and protecting the confidentiality, integrity and availability of legislative information within the legislative network. The department indicates that the position will be at the third organizational level and will report to the Chief Deputy Director.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

(1) DEPUTY DIRECTOR, EMPLOYMENT PREPARATION SERVICES, NORTH CENTRAL

The Department of Rehabilitation has withdrawn their request to allocate the above position to the CEA category.

- (2) DEPUTY DISTRICT DIRECTOR, ENVIRONMENTAL PLANNING
(Districts 4, 7, 8)
The Department of Transportation's request to allocate the above positions to the CEA category has been approved effective July 19, 2002.
- (3) CHIEF OF GRANTS PROGRAM
The California Arts Council's request to allocate the above position to the CEA category has been disapproved effective July 16, 2002.
- (4) ASSISTANT CHIEF DEPUTY DIRECTOR
The Department of Alcoholic Beverage Control's request to allocate the above position to the CEA category has been approved effective July 25, 2002, for an additional 12 months or until the exempt appointment is made, whichever, comes first.
- (5) ASSISTANT DIVISION CHIEF, DIVISION OF COMMUNITY AFFAIRS
The Department of Housing and Community Development's request to allocate the above position to the CEA category has been disapproved effective July 30, 2002.
- (6) DEPUTY SECRETARY-MANAGER (FAIRTIME OPERATIONS)
DEPUTY SECRETARY-MANAGER (NON-FAIRTIME OPERATIONS)
The Department of Food and Agriculture's request to allocate the above positions to the CEA category has been approved effective August 2, 2002.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. EXPEDITED HEARINGS - PROPOSED AMENDMENT TO STATE PERSONNEL BOARD RULE 52.4. (Hearing held May 7, 2002).

NO ACTION

2. ANSWER ON APPEALS FILED WITH STATE PERSONNEL BOARD. PROPOSED AMENDMENT TO STATE PERSONNEL BOARD RULE 63. (Hearing held May 7, 2002).

NO ACTION

3. PAUL SULIER, CASE NO. 01-2626. Appeal from demotion. Department of Corrections. (Oral argument held June 18, 2002).

ACTION: On September 11, 2002, adopted Board decision revoking demotion and awarding backpay, benefits and interest*

VOTE: Alvarado, Elkins, Bos - Aye. Mr. Harrigan not voting.

4. PSC NO. 02-01: Appeal of the Department of Parks and Recreation from the Executive Officer's December 17, 2001, Disapproval of a Contract with Royston Hanamoto Alley & Abey in response to the request for review submitted by the California Association of Professional Scientists. (Hearing held July 9, 2002).

ACTION: On September 11, 2002, a majority of the State Personnel Board adopted a decision sustaining the Executive Officer's decision disapproving the contract.

VOTE: Elkins, Bos, Harrigan - Aye. Alvarado - dissented.

*Adopted as Precedential Decision # 02-09. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

5. PSC NO. 02-02: Appeal of the International Union of Operating Engineers from the Executive Officer's January 31, 2002, Approval of a Contract between the State Personnel Board and Kronick, Moskovitz, Tiedemann & Girard for legal services. (Hearing held July 9, 2002).

ACTION: On September 11, 2002, the State Personnel Board adopted a decision sustaining the Executive Officer's decision approving the contract.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

6. VIRGINIA PARKER, CASE NO. 00-3983. Appeal from ten percent reduction in salary for 12 months. Department of Corrections. (Oral argument held July 9, 2002).

ACTION: On September 11, 2002, adopted Board decision modifying ten percent reduction in salary for 12 months to ten percent reduction in salary for 6 months and awarding backpay, benefits and interest.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

7. MARIE ROSE JOHNSON, CASE NO. 01-1461E. Appeal from discrimination complaint. Department of Social Services. (Oral argument held July 9, 2002).

ACTION: On September 11, 2002, adopted Board decision remanding the appeal to the Chief Administrative Law Judge to set this matter for further hearing.*

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

8. Status of the State's Decentralized Testing. (Hearing held July 9, 2002).

NO ACTION

9. MERIT RULE - Proposed adoption of the new Section 250 to the California Code of Regulations (CCR) entitled Requirement that Selection be Based on Merit and Fitness. (Hearing held July 23, 2002).

NO ACTION

*Adopted as Precedential Decision # 02-08. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

10. JAMES AARON III, CASE NO. 01-4114. Appeal from rejection during probationary period. Department of Developmental Services. (Oral argument held August 6, 2002).

ACTION: On September 11, 2002, adopted Board decision modifying the rejection during probation to a ten percent reduction in salary for 12 months and awarding back salary and benefits.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

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September 11, 2002

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on September 11, 2002.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

CALIFORNIA STATE PERSONNEL BOARD MEETING
Ramada Limited Old Town
3900 Old Town Avenue
San Diego, California 92110
(619) 299-7400 - FAX (619) 299-1580

Public Session Location - Old Town Room
Closed Session Location - Old Town Room

CONCURRENT BOARD MEETING MINUTES

September 12, 2002

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. PLANNING SESSION
 - A. STRATEGIC PLAN
 - B. RECOMMENDATIONS TO THE LEGISLATURE
 - C. RECOMMENDATIONS TO THE GOVERNOR

ACTION: Planning Session held.

A D J O U R N M E N T